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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,777

02/21/2006

Jurgen Frank

13156-00037-US

9551

23416

7590

11/16/2007

CONNOLLY BOVE LODGE & HUTZ, LLP

P O BOX 2207

WILMINGTON, DE 19899

EXAMINER

REDDY, KARUNA P

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,777	Applicant(s) FRANK ET AL.	
	Examiner Karuna P. Reddy	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/3/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14, 16-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14, 16-18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 10/3/2007.

Applicants cancelled claims 11-13, 15 and 19. Claims 1-10, 14, 16-18 and 20-24 are currently pending in the application.

2. The text of those sections of Title 35 U.S. Code not included in this office action can be found in prior office action.

Claim Rejections - 35 USC § 103

3. Claims 1-10, 14, 16-18, 20-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudary ((EP 0 196 162 A2) in view of Brown et al (US 2002/0068791 A1).

The rejection is adequately set forth in paragraph 5 of previous office action mailed 7/3/2007 and is incorporated here by reference.

Response to Arguments

4. Applicant's arguments filed 10/3/2007 have been fully considered but they are not persuasive. Specifically, applicant argues (A) office has not provided a reason to modify the cited reference; (B) process of Chaudary uses water-in-oil emulsion while that of Brown et al is an aqueous emulsion. Therefore, the

reducing agent i.e. 2-hydroxy-2-sulfinatoacetic acid and/or salt thereof, used in one process cannot be used in another process; (C) the order of addition of ingredients is important; (D) neither reference teaches the good speck and gel body content, shortening of induction time, and the superior properties of solid composition.

With respect to (A), see page 5, lines 15-19 of office action mailed 7/3/2007, wherein the motivation to combine the disclosure of Chaudary with teachings of Brown et al is provided. Specifically, residual monomer content can be lowered because of using 2-hydroxy-2-sulfinatoacetic acid as a reducing agent in emulsion polymerization.

With respect to (B), there is nothing on record either in Chaudary et al or Brown et al to indicate that 2-hydroxy-2-sulfinatoacetic acid cannot be used as a reducing agent in an inverse emulsion polymerization. Furthermore, Chaudary et al is open to use of any known redox initiator which may be oil or water soluble (page 3, lines 11-13).

With respect to (C), there is nothing on record in the process of Chaudary et al to indicate that adding the ingredients in a different order will produce a polymer with inferior properties. Furthermore, order of adding ingredients does not appear to be important in light of the specification of instant invention, wherein it is noted that mixing can take place in any way known to person skilled in the art (paragraph 0065) and that the (co)polymerization is affected only after the aqueous phase is emulsified (paragraph 0066).

With respect to (D), properties associated with the polymer and shortening of induction time during polymerization naturally flows from the combined teachings of Chaudary et al and Brown et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karuna P. Reddy whose telephone number is (571) 272-6566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karuna P Reddy
Examiner
Art Unit 1796

/KR/

/Vasu Jagannathan/
Supervisory Patent Examiner
Technology Center 1700